

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:25-MJ - 194 (ML)

DANIEL GUERTIN,)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. In or about June 2025 in the county of Oneida in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 2252A(a)(2)(A)

Offense Description
Receipt of Child Pornography

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

Cory R Shepard

Complainant's signature

Cory Shepard, TFO

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: June 26, 2025

Miroslav Lovric

Judge's signature

City and State: Binghamton, New York

Hon. Miroslav Lovric, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Cory Shepard, being duly sworn, hereby state as follows:

I. INTRODUCTION

1. I am a Customs and Border Protection Officer (CBPO) with the U.S. Department of Homeland Security (DHS), Customs and Border Protection (CBP), and as such I am empowered by law to investigate and make arrest for offenses enumerated in Title 18, United States Code, Section 2252A.

2. I have been employed as a Task Force Officer (TFO) since November 2020 and I am currently assigned to the Homeland Security Investigation (HSI) Task Force Resident Agent Office in Alexandria Bay, New York. While assigned to HSI, I have been responsible for enforcing customs laws, immigration laws and federal criminal statutes of the United States. My responsibilities as a TFO with HSI include, but are not limited to, conducting investigations, executing arrest warrants, executing search warrants, collecting evidence, and interviewing witnesses. I have been a TFO for approximately four and one-half years and have investigated and/or participated in investigations of child pornography, narcotics, smuggling, and immigration-related cases. My duties include the enforcement of federal criminal statutes involving the sexual exploitation of children, as codified in Title 18, United States Code, Sections 2251 through 2259. I have participated in searches of premises and assisted in gathering evidence by means of a search warrant. I have received training in the area of the importation and distribution of child pornography and have had the opportunity to observe and review numerous examples of child pornography in many forms, including video and computer media.

3. My duties include the enforcement of federal criminal statutes involving the exploitation of children as codified in Title 18, United States Code, Sections 2251-2259. I

have received training in the importation and distribution of child pornography and have had the opportunity to observe and review numerous examples of child pornography in many forms of media, including video and computer media.

4. This affidavit is made in support of an application for a criminal complaint charging Daniel GUERTIN with a violation of Title 18, United States Code, Section 2252A(a)(2)(A) (receipt of child pornography).

5. The statements contained in this affidavit are based upon my investigation and information provided to me by other agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant has committed the above-referenced offense.

II. THE INVESTIGATION AND PROBABLE CAUSE

6. In February 2025, Homeland Security Investigation (HSI) Syracuse received information from HSI London about an individual located in Utica, NY that purchased access to a dark web website that sells child pornography.

7. Subsequent investigation linked the activity to GUERTIN, and on June 26, 2025, your affiant participated in the execution of a federal search warrant for GUERTIN's person, residence, and computers and storage media found therein and thereon.

8. During the search of GUERTIN's residence, investigators found an Apple iPad in the living room. A forensic examination of that device revealed multiple image files that, in my training and experience, meet the federal definition of child pornography.

9. GUERTIN was transported to the New York State Trooper Barracks in Marcy, NY, provided *Miranda* warnings, and interviewed. During the recorded interview,

GUERTIN admitted in sum and substance and as relevant to this affidavit that: (1) he used the iPad to log into an iCloud account he controlled and in which he had previously saved image files, resulting in those image files downloading to the iPad and saving into his photo gallery; and (2) as recently as earlier this month, he had gone online with the iPad and obtained additional image files and saved them to his iPad by downloading them from an internet website.

10. GUERTIN was shown 5 image files found on the iPad during the interview, two of which are described below. He admitted downloading the second file earlier this month from the internet, as described above:

- a. File Name 315FF21C-3629-852A-33252CB1711E – an image file depicting a female child approximately 9 years old laying on her back with her legs spread apart exposing her vagina in a lewd and lascivious fashion.¹
- b. File name 5005_1.jpg –an image depicting an unclothed female approximately 8 years of age. The child is laying on her back with her legs spread apart. Her vagina is exposed and the focal point of the image. The child's hand is on the outside of her vagina, which is depicted in a lewd and lascivious fashion.

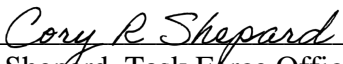
11. GUERTIN is a level 2 registered sex offender in New York due to a conviction in June 2022 for violating N.Y. Penal Law § 263.16 (possessing a sexual performance by a child), for which he was sentenced to 10 years' probation.

¹ The child pornography files described in this affidavit are available for the Court's review upon request.

III. CONCLUSION

12. Based on the above information, there is probable cause to believe that Daniel GUERTIN has violated Title 18, United States Code, Section 2252A(a)(2)(A) (receipt of child pornography).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Cory Shepard, Task Force Officer
Homeland Security Investigations

I, the Honorable Miroslav Lovric, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by Teams on June 26, 2025, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Hon. Miroslav Lovric
United States Magistrate Judge